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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/813,720 03/31/2004 7407 Shashishekara Sitharamarao Talya 136466-1/YOD GERD:0092 7590 11/02/2006 **EXAMINER** Patrick S. Yoder VERDIER, CHRISTOPHER M **FLETCHER YODER** ART UNIT PAPER NUMBER

P.O. Box 692289 Houston, TX 77269-2289

3745 DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/813,720	TALYA ET AL.
	Examiner	Art Unit
	Christopher Verdier	3745
The MAILING DATE of this commu	unication appears on the cover sheet wit	h the correspondence address
A SHORTENED STATUTORY PERIOD WHICHEVER IS LONGER, FROM THE - Extensions of time may be available under the provisio after SIX (6) MONTHS from the mailing date of this cor - If NO period for reply is specified above, the maximum - Failure to reply within the set or extended period for reply any reply received by the Office later than three month earned patent term adjustment. See 37 CFR 1.704(b).	MAILING DATE OF THIS COMMUNIC ns of 37 CFR 1.136(a). In no event, however, may a renmunication. statutory period will apply and will expire SIX (6) MONTOLY will, by statute, cause the application to become ABAs after the mailing date of this communication, even if times.	CATION. apply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).
Status	•	·
• •	iled on <u>14 August 2006</u> . 2b) This action is non-final. In for allowance except for formal matte Cotice under <i>Ex parte Quayle</i> , 1935 C.D.	• •
Disposition of Claims		
4)⊠ Claim(s) <u>1,3-17,19-27,29 and 30</u> is 4a) Of the above claim(s) is. 5)⊠ Claim(s) <u>1,3-17,27,29 and 30</u> is/ar 6)⊠ Claim(s) <u>19-26</u> is/are rejected. 7)□ Claim(s) is/are objected to. 8)□ Claim(s) are subject to rest	/are withdrawn from consideration. e allowed.	
Application Papers		
	004 is/are: a) \square accepted or b) \square objection to the drawing(s) be held in abeyaning the correction is required if the drawing(s)	ce. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
2. Certified copies of the priorit3. Copies of the certified copie application from the Internat	• • •	oplication No received in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview So	ummary (PTO-413)
 Notice of Draftsperson's Patent Drawing Review Information Disclosure Statement(s) (PTO/SB/08 Paper No(s)/Mail Date)/Mail Date formal Patent Application

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Applicant's Amendment dated August 14, 2006 has been carefully considered but is non-persuasive. The specification has been amended to correct the informalities set forth in the first Office action. The specification has been amended to provide antecedent basis for claims 6-8, 10, 14, 15, 17, and 26. Correction of these matter is noted with appreciation.

With regard to the objection to the specification as failing to provide proper antecedent basis for the subject matter of claim 21, which recites <u>substantially</u> simultaneously regulating flow through a needle valve of a needle valve injector assembly and a high efficiency valve of a high efficiency injector assembly to direct a flow of water from a distributor to a runner, Applicant has amended the specification at paragraph [0032] to state simultaneously regulating flow of water, but not <u>substantially</u> simultaneously regulating flow. Therefore, the specification still lacks antecedent basis for the subject matter of claim 21.

Applicant's arguments concerning how the amended claims define over Japanese Patent 10-26,072 and European Patent 1,308,619 have been carefully considered and are persuasive.

Applicant is thanked for pointing out these differences. However, amended claims 19-26 are rejectable based on the prior art set forth below.

Specification

The amendment filed August 14, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not

supported by the original disclosure is as follows: Paragraph [0032], line 10 of the specification has been amended to state "simultaneously regulating flow of water", but not <u>substantially</u> simultaneously regulating flow of water, as recited in original claim 21. The addition of "simultaneously" regulating the flow of water adds new matter. This should be changed to — substantially simultaneously regulating flow of water — in order to overcome the objection.

Applicant is required to cancel the new matter in the reply to this Office Action.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 21 recites <u>substantially</u> simultaneously regulating flow through a needle valve of a needle valve injector assembly and a high efficiency valve of a high efficiency injector assembly to direct a flow of water from a distributor to a runner. There is no antecedent basis in the specification for the underlined term.

Claim Objections

Claims 23-26 are objected to because of the following informalities: Appropriate correction is required.

In claim 23, line 4, "a" (second occurrence) should be changed to -- the --.

In claim 23, line 9, "pelton" should be changed to -- Pelton --.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Moody 1,776,392. Moody discloses a method for operating a Pelton turbine, comprising opening a needle valve 63 of a needle valve injector assembly 33 and a valve 63 of a high efficiency injector assembly 33 to a direct flow of water from a distributor 30 to a runner 2, and controlling the needle valve of the needle valve injector assembly to regulate a desired flow of water from the distributor to the runner, wherein the Pelton turbine comprises at least two needle valve injector assemblies 33 alternately disposed with at least two high efficiency injector assemblies 33 to provide a modulated flow of water from the needle valve injector assemblies, and further comprising controlling the high efficiency injector assemblies and the needle valve injector assemblies to provide the desired flow of water to from the distributor to the runner. The method also comprises substantially simultaneously regulating flow through a needle valve of the needle valve injector assembly and a high efficiency valve of the high efficiency injector assembly to direct a flow of water from the distributor to the runner, and controlling the needle valve injector assembly to provide a desired flow from the distributor to the runner. The high efficiency injector assemblies are automatically operated to provide a fully open flow path between the

distributor and the runner in a fully opened position or to fully close the flow path between the runner and the distributor in a closed position. Also disclosed is a method for configuring the Pelton turbine, comprising disposing at least two needle valve injector assemblies 33 between the distributor and the runner of the Pelton turbine to direct flow from the distributor to the runner, and disposing at least two high efficiency injector assemblies 33 between the distributor and the runner to direct a portion of overall flow of water from the distributor to the runner, wherein the Pelton turbine comprises at least two needle valve injector assemblies 33 alternately disposed with at least two high efficiency injector assemblies 33. The at least two high efficiency injector assemblies have identical sizes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moody 1,776,392 in view of European Patent 1,308,619. Moody discloses a method for configuring a Pelton turbine substantially as claimed as set forth above, including providing at least two needle valve assemblies 33 and at least two high efficiency injector assemblies 33, but does not disclose that the at least two needle valve assemblies 33 and at least two high efficiency injector assemblies 33 are selected based upon power requirements of the Pelton turbine and a range of flow between the distributor and the runner.

European Patent 1,308,619 (figure 1) shows a Pelton turbine having a needle valve assembly 4, which is selected, based upon power requirements of the Pelton turbine and a range of flow between an unnumbered distributor and a runner 1, for the purpose of optimizing the efficiency and power of the turbine.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to select the at least two needle valve assemblies 33 and at least two high efficiency injector assemblies 33 in the Pelton turbine of Moody based upon power requirements of the Pelton turbine and a range of flow between the distributor and the runner, as taught by European Patent 1,308,619, for the purpose of optimizing the efficiency and power of the turbine.

Allowable Subject Matter

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Claims 1, 3-17, 27, and 29-30 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.V.

October 27, 2006

Christopher Verdier Primary Examiner

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